

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

ORDER  
07-CR-103A

THOMAS POWERS,

Defendant.

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This case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(A). On January 13, 2009, defendant filed a motion to dismiss. On March 13, 2009, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendant's motion be denied to the extent that it seeks to dismiss count 14 of the superseding indictment and renews defendant's previous suppression motions.

Defendant filed objections to the Report and Recommendation on May 25, 2009, and the government filed a response thereto on July 10, 2009. Oral argument on the objections was held on July 21, 2009.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendant's motion is denied to the extent that it seeks to dismiss count 14 of the superseding indictment and renews defendant's previous suppression motions. The parties shall appear for a status conference on August 24, 2009 at 9:00 a.m.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: August 21, 2009